

UNITED STATES DISTRICT COURT
 for the
 Southern District of Texas

United States Courts
 Southern District of Texas
 FILED

October 04, 2024

United States of America v.)	Nathan Ochsner, Clerk of Court
Nancy Fernandez Luna (USA / 1989))	
Juan Torres Ayala (MX / 1982))	Case No. M-24-1746-M
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)	
)	
)	

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 4, 2024 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
8 U.S.C. 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(I), and 1324(a)(1)(A)(V)(II)	Transporting aliens from a location near McAllen, Texas, to a location near Falfurrias, Texas, by means of vehicle

This criminal complaint is based on these facts:

See Attachment A

Continued on the attached sheet.

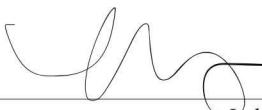
Approved by AUSA D. Walker

/s/ Javier Salinas

Complainant's signature

Javier Salinas / HSI Special Agent

Printed name and title



Judge's signature

Submitted by reliable electronic means, sworn to and attested telephonically per FED.R.CR.4.1, and probable cause found on:

Date: October 4, 2024 at 5:02 p.m.

City and state: McAllen, Texas

Nadia S. Medrano, United States Magistrate Judge

Printed name and title

Attachment A

1. On October 4, 2024, a white Prevost bus registered to All Valley Charters, LLC., arrived at the United States Customs and Border Protection checkpoint located in Falfurrias, Texas. The bus was driven by Juan TORRES Ayala and Nancy FERNANDEZ Luna was also aboard. FERNANDEZ is a government contract employee for MVM, a government contract transport company. Thirty-nine (39) undocumented aliens were located on the bus, including Telma Catarina Terraza-Bernal and Kemberly Magdiela Ponce-Garcia. Photographs of the bus can be seen below:



2. At primary, FERNANDEZ advised Border Patrol Agents she works with Immigration and Customs Enforcement (ICE) and stated she escorts undocumented aliens northbound. She provided her ICE personal identification verification (PIV) contracting card as a means of proof of her authority. The bus was subsequently referred to secondary inspection.

3. At secondary inspection, FERNANDEZ advised she was transporting juveniles who were all positive for COVID. While Agents were contacting the Centralized Processing Center (CPC) regarding the validity of the bus, the bus doors closed and the bus departed secondary inspection. Agents conducted a traffic stop on the bus and instructed it to return to secondary inspection.

4. Agents requested the manifest and observed inconsistencies. The manifest listed all the undocumented aliens as juveniles, and the undocumented aliens were not juveniles.

5. The CPC advised they had no transport buses currently operating.

6. All undocumented aliens admitted they were illegally present in the United States.

7. Juan TORRES Ayala provided a post-Miranda statement regarding the smuggling attempt. He stated he knew the thirty-nine (39) undocumented aliens were being transported illegally and stated he was going to be paid \$1,800 for the trip. He stated he knew the manifest produced by FERNANDEZ was fraudulent. He stated he picked up the bus rental.

8. Telma Catarina Terraza-Bernal provided a statement to law enforcement. She stated she was smuggled into the United States illegally and was to pay \$20,000. She stated she housed at stash house in McAllen, Texas. She stated she was provided with a gray hoodie and medical mask and transported to meet the bus. She stated she was transported to a parking lot and TORRES instructed the undocumented aliens to hurry and board the bus. Once the undocumented aliens were loaded onto the bus and the bus was moving, FERNANDEZ rearranged the undocumented aliens and provided further instructions. She stated FERNANDEZ told them when they were close to the checkpoint they would flash the interior lights twice and it would be a signal to the undocumented aliens to act like they were asleep. FERNANDEZ instructed the undocumented aliens to put on their hoods and facemasks, close their eyes, and not respond if spoken to.

9. Kemberly Magdiela Ponce-Garcia provided a statement to law enforcement. She stated she was smuggled into the United States illegally and was to pay \$17,500. She stated she was provided a gray hoodie and facemask and transported from that house to a parking lot to meet the bus. She stated the drive to the bus took approximately thirty minutes. She stated TORRES was standing next to the bus and waving the undocumented aliens inside the bus. She stated FERNANDEZ was on the bus and provided instructions to the undocumented aliens. She stated FERNANDEZ told them to move to the back of the bus, act asleep, and put their hoodies over their heads. She stated FERNANDEZ rearranged where they were sitting on the bus and moved them from shortest to tallest so the undocumented aliens in the rear of the bus would look shorter.